

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**Trademark Trial and Appeal Board**  
**2900 Crystal Drive**  
**Arlington, Virginia 22202-3513**

Mailed: August 13, 2004

Cancellation No. 92043152  
92043160  
92043175

ARTURO SANTANA GALLEGO

v.

SANTANA'S GRILL, INC.

Karen Kuhlke, Attorney:

It has come to the attention of the Board that Cancellation Nos. 92043152, 92043160 and 92043175 involve the same parties and common questions of law and fact. It would therefore be appropriate to consolidate these proceedings pursuant to Fed. R. Civ. P. 42(a).

Consolidation is discretionary with the Board, and may be ordered upon motion granted by the Board, or upon stipulation of the parties approved by the Board, or upon the Board's own initiative. See, for example, *Wright & Miller, Federal Practice and Procedure: Civil* §2383 (2004); *Regatta Sport Ltd. v. Telux-Pioneer Inc.*, 20 USPQ2d 1154 (TTAB 1991) (Board's initiative).

Accordingly, the above-noted cancellation proceedings are hereby consolidated and may be presented on the same record and briefs.

The Board file will be maintained in Cancellation No. 92043152 as the "parent" case. The parties should no longer file separate papers (except for the answers) in connection with each proceeding. Only a single copy of each paper should be filed by the parties and each paper should bear the case captions as set forth above.

Petitioner's motions, filed on June 18, 2004 in connection with Cancellation Nos. 92043152 and 92043175, to resume proceedings in view of the order of the United States District Court for the Southern District of California, staying related proceedings based on these pending Board proceedings, are granted.

In view thereof, proceedings are resumed and dates are reset as follows. Respondent is allowed until **THIRTY DAYS** from the mailing date of this order to file a separate answer to the petitions for cancellation in each of the above-noted proceedings.<sup>1</sup>

In keeping with Board practice dates are reset to coincide with the latest instituted proceeding.

DISCOVERY PERIOD TO CLOSE: **January 10, 2005**

30-day testimony period for party in position of plaintiff to close: **April 10, 2005**

30-day testimony period for party in position of defendant to close: **June 9, 2005**

15-day rebuttal testimony period to close: **July 24, 2005**

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<sup>1</sup> Respondent's time to file an answer in Cancellation No. 92043160 is reset as indicated above.